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Mar. 7

Mr. Harry Jackson
Deputy Secretary of State
State House

Dear Harry:

You have requested (1) a clarification of section 5, chapter 20 of the Revised Laws with a view toward determining the responsibility of the corporation or the State Department in cases of legislation affecting corporations included under the terms of said chapter, (2) whether there is any obligation on the part of your office to notify corporations affected, and (3) when the fee is due.

It is my opinion that any legislative act incorporating or renewing the corporate powers of a corporation which is to carry on its business, and have its principal office in this state, must pay to the State Treasurer the sum specified in section 5 of chapter 20 of the Revised Laws. The fee is due within thirty days after the close of the session of the legislature wherein the act of incorporation or in renewal of corporate powers of a corporation was enacted.

While chapter 20, section 5 of the Revised Laws does not impose a statutory duty on the part of the Secretary of State to notify affected corporations, nevertheless it is incumbent upon the Secretary of State to notify affected corporations in view of the fact (1) that as a matter of long administrative practice the Secretary of State has notified such corporations, (2) the Secretary of State's office is charged with the responsibility of filing engrossed bills and therefore any knowledge of acts within the scope of section 5, chapter 20 of the Revised Laws should be transmitted to affected corporations, and (3) the Secretary of State is generally the custodian of all corporate documents.

As orally discussed with you and Mrs. Jenkins, it is advisable to review all acts relating to corporations under the provisions of chapter 20 of the Revised Laws from 1935 to the present date since it appears that no fees have been collected from affected corporations since that date.

Very truly yours,

JNN:rm

John N. Nassikas
Assistant Attorney General